

REMARKS

This Response is submitted in reply to the Non-Final Office Action dated September 2, 2010. Claims 13-15 and 19-29 are pending in this Application, and Claims 21-24 were previously withdrawn from consideration. In this Response, Claim 13 is amended, Claims 15 and 27 are canceled without prejudice or disclaimer, and Claims 30 and 31 are newly added. The amendment does not add new matter. Favorable reconsideration is respectfully requested.

Rejections under 35 U.S.C. 103

The Office Action rejected:

- i. Claims 13-15, 19, and 27 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,976,725 to Gamo et al. ("Gamo") in view of U.S. Patent Publication No. 2002/0011335 A1 to Zhang et al. ("Zhang") and also in view of U.S. Patent Publication No. 2003/0129459 to Ovshinsky et al. ("Ovshinsky");
- ii. Claims 13-15, 19, and 25-27 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,421,585 to Takamura ("Takamura") in view of Gamo, Zhang, and Ovshinsky; and
- iii. Claims 20, 28, and 29 under 35 U.S.C. §103(a) as being unpatentable over Takamura in view of Gamo, Zhang, and Ovshinsky as applied to claims 13-15, 19 and 25-27 and further in view of U.S. Patent No. 6,522,096 to Roth ("Roth").

At least in view of the amendments, Applicants respectfully disagree and traverse the rejections.

Independent Claim 13 has been amended to recite, in part, "a common part used in common for said fuel cell and said electronic apparatus, wherein said common part is selected from the group consisting of a fan, a pump or a cooler used for one or more of the power generation sections or a control section of said fuel cell, an auxiliary apparatus including a heater and an electric heater used for heating a fuel supply means for supplying said fuel to one or more of the power generation sections of said fuel cell, an air supply means for supplying air to one or more of the power generation sections, a temperature sensor, a humidity sensor, a radiator, a structural member, a fastening member, and said control section." The amendment is fully supported by the specification. For example, see at least paragraph [0035] of the published specification. Moreover, similar language was previously recited in canceled Claim 15.

The Patent Office relied on Gamo to teach the claimed "common part" as previously claimed. Office Action, pages 3 and 7. Specifically, the Patent Office alleged that Gamo's DC/DC converter 504 taught the claimed "common part." However, Applicants currently claim "said common part is selected from the group consisting of a fan, a pump or a cooler used for one or more of the power generation sections or a control section of said fuel cell, an auxiliary apparatus including a heater and an electric heater used for heating a fuel supply means for supplying said fuel to one or more of the power generation sections of said fuel cell, an air supply means for supplying air to one or more of the power generation sections, a temperature sensor, a humidity sensor, a radiator, a structural member, a fastening member, and said control section." Thus, Gamo's DC/DC converter 504 fails to teach the claimed "common part."

Takamura, Zhang, Ovshinsky, and Roth fail to cure the deficiencies of Gamo. Accordingly, Applicants respectfully request the obviousness rejections with respect to independent Claim 13, and the claims that depend thereon, be reconsidered and withdrawn.

New Claims

Applicants note that Claims 30 and 31 have been newly added. The new claims are fully supported by the specification. For example, see at least paragraphs [0055]-[0058] of the published specification.

Applicants respectfully submit that the subject matter as defined in the newly added claims is patentable over the cited art of record for at least the same reasons as discussed above, and for the additional patentable elements recited therein.

Conclusion

An earnest endeavor has been made to place this application in condition for formal allowance, and allowance is courteously solicited. If the Examiner has any questions regarding this Response, Applicants respectfully request the Examiner contact the undersigned.

The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing.

Respectfully submitted,

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